

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TEVIN LEE HARRIS,
Plaintiff,

v.

B. RAMIREZ,
Defendant.

Case No. [22-cv-01568-TLT](#)

ORDER OF DISMISSAL

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 in March 2022, when he was a state prisoner housed at Salinas Valley State Prison. ECF No. 1. The Court denied defendant's motion for summary judgment on August 21, 2023, and referred the case for a settlement conference before Magistrate Judge Robert M. Illman. ECF 49. The Court's orders denying summary judgment and setting the settlement conference were returned as undeliverable. ECF 51, 52. Plaintiff previously notified the Court of his change of address three times. ECF 26, 38, 45, 46, 47. His most recent address was the Los Angeles County Central Jail. ECF 45, 46, 47.

The settlement conference was set for October 25, 2023. ECF 50. Plaintiff has not updated his change of address since he left county jail, and did not appear at the settlement conference. ECF 54. The Court is unable to locate Plaintiff in the California Department of Corrections and Rehabilitation (CDCR) Inmate Locator.

Pursuant to Northern District Local Rule 3-11, a party proceeding *pro se* must promptly file a notice of change of address while an action is pending. *See* N.D. Cal. L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current


1 address. *See* L.R. 3-11(b).

2 Sixty days have passed since the mail addressed to plaintiff was returned as undeliverable.
3 The Court has not received a notice from plaintiff of a new address. Accordingly, the instant civil
4 rights action is DISMISSED without prejudice pursuant to N.D. Cal. L. R. 3-11. Because plaintiff
5 never received notice of the settlement conference, the Court declines to dismiss the case with
6 prejudice. *See* ECF 55.

7 The Clerk shall terminate any pending motions, enter judgment, and close the file.

8 **IT IS SO ORDERED.**

9 Dated: October 30, 2023

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12 TRINA L. THOMPSON
13 United States District Judge
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